

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

CARMEN I. VILLARREAL, :  
Plaintiff, :

-against- :  
:

CAROLYN W. COLVIN, Acting Commissioner :  
of Social Security, :  
Defendant. :  
-----X

LORNA G. SCHOFIELD, District Judge:

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/5/15
--

13 Civ. 6253 (LGS)

**OPINION AND ORDER**

Before the Court is the Report and Recommendation of Magistrate Judge Michael H. Dolinger (the “Report”), recommending that Defendant’s motion to remand the case to the Commissioner of Social Security for further administrative proceedings be granted. For the reasons stated below, the Report is adopted in its entirety.

Plaintiff Carmen I. Villarreal, proceeding pro se, commenced this action on September 4, 2013, seeking judicial review of a decision of the Commissioner of Social Security denying her application for disability insurance benefits and Supplemental Security Income. This case was referred to Judge Dolinger on October 11, 2013. On April 28, 2014, Defendant moved to remand this action to the Commissioner of Social Security pursuant to of 42 U.S.C. § 405(g). On August 20, 2015, Judge Dolinger issued the Report to which no objection was filed.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). The district court “may adopt those portions of the report to which ‘no specific, written objection’ is made, as long as the factual and legal bases supporting

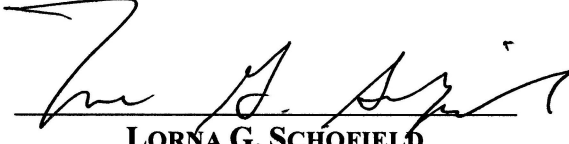
the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law.” *Adams v. N.Y. State Dep’t of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y.2012) (citing Fed. R. Civ. P. 72(b), *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

The factual and legal bases underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Defendant’s motion to remand is GRANTED, and this case is REMANDED to the Commissioner of Social Security.

The Clerk is directed to close the motion at Docket No. 19, terminate this case and mail a copy of this Opinion to the pro se Plaintiff.

SO ORDERED.

Dated: November 5, 2015  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**